



## FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS

---

The Committee on Model Criminal Jury Instructions has adopted the following new model criminal jury instruction, effective January 2016.

---

### ADOPTED

The Committee has adopted an instruction for use in cases where the defendant is charged with occupying a dwelling without consent under MCL 750.553. The new instruction is M Crim JI 25.6.

#### **M Crim JI 25.6 Occupying a Dwelling Without Consent (Squatting)**

(1) The defendant is charged with occupying a dwelling without consent. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant occupied a one-family dwelling, or at least one unit of a two-family dwelling. A dwelling is a building designed as a place for people to live.

(3) Second, that the dwelling was owned by *[name complainant]*.

(4) Third, that the defendant did not have *[name complainant]*'s consent to occupy the dwelling.

(5) Fourth, that the defendant occupied the dwelling without an agreement for payment of money to *[name complainant]* or for an exchange of something else of value with *[name complainant]* during the time that the defendant occupied the dwelling.

*[Use the following paragraph where there is evidence that the defendant was a guest or family member under MCL 750.553(2):]*

(6) [The defendant is not guilty if [he / she] is a guest or family member of *[name complainant]* or of a tenant.]

#### *Use Note*

“‘[O]wner’ means the owner, lessor, or licensor or an agent thereof.” MCL 600.2918(9), which was tie-barred to passage of the statute that applies here, MCL 750.553.

*History*

Adopted January 2016.

*Reference Guide*

Statutes

MCL 750.553; 600.2918(9)